

**A Study of the**  
**Minneapolis Civilian**  
**Review Authority**

**Comparing Its First Two Years with**  
**the Last Two Years of the**  
**Minneapolis Police Department's**  
**Internal Affairs Unit**

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## Introduction

Until recently citizen complaints against police officers in Minneapolis were handled by the Internal Affairs Unit (IAU) of the Minneapolis Police Department. This changed in 1990 with the establishment of a Civilian Review Authority (CRA). It was argued that an external body would be more accessible to citizens and that such a body would be less defensive of police officers.

The Center for Urban and Regional Affairs at the University of Minnesota has a mission of researching important public policy issues in the state. CURA's director Tom Scott called Sociology Professor David Ward, one of the members of the new board, and asked whether a useful research project could be undertaken to help the Civilian Review Authority in its work. Ward spoke with CRA chair Robert Boughton who wrote Scott in the Fall of 1990 formally requesting an evaluation.

The plan of the study was to compare the last two years of cases handled by the IAU with the first two years of the CRA. CURA hired a graduate student, at its own expense, to pull information from IAU files. She worked from January through August 1991 and collected information on all 209 cases handled by the IAU in 1989 and 1990. On April 15, 1991 the CRA began accepting complaints. Data about these complaints have been stored in a computerized system by the CRA staff for its own use. For the purpose of this study, the staff extracted and summarized information on all cases filed from April 15, 1991 through April 15, 1993.

## Methodology

This study intended to compare how civilian complaints were handled by the new Civilian Review Authority (CRA) with how they were handled by the Internal Affairs Unit of the Minneapolis Police Department (IAU). To that end, two years of complaints were analyzed from each of the two bodies.

IAU data were collected for 1989 and 1990, the last full years of operation. A data set was created from police files. During those two years IAU handled 209 cases, 108 cases in 1989 and 101 cases in 1990, and our data set has one record for each case. Each record contains information about the complainant/victim, the complaint, the officer(s) against whom the complaint was filed, findings of the IAU, and any actions taken against the officer.

The data collection procedure was very focused. In those few cases where more than one civilian was involved, we read the file to determine a *primary victim* and focused data collection on that person. While a number of officers might have been involved, we focused on the first one (or two). Most importantly, we *prioritized complaints*. The file might contain one to a dozen or more allegations, but we focused on the most serious complaint.<sup>1</sup> The following list uses the same allegation labels as used by IAU; additional text clarifies the meaning.

- Force Excessive force.
- Language Includes racial/ethnic slurs, sexual terminology, demeaning tone, and derogatory comments.
- Discretion Includes failure to provide adequate or timely police protection.
- Harassment Includes threats, stopping and frisking, and surveillance.
- Theft
- Discrimination Includes race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, and age.

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<sup>1</sup>Our data files actually list the two most serious complaints.

This list is presented in the order of decreasing seriousness; e.g., use of excessive force is the most serious allegation. A word or two may justify this ranking. While discrimination is indeed a serious allegation, we found it secondary to and duplicative of other items on the list. While theft could be serious, any allegation that could be proven would be handled in criminal court.

Comparable data were provided by the Civilian Review Authority. In this case, summary information was extracted from the CRA computerized database to specifications provided by the researcher. CRA staff was knowledgeable and helpful in this work. Three differences in CRA data collection procedures required additional work by the staff to make CRA data comparable to what had been collected from IAU.

1. At the CRA a complaint might be filed by a person who was not the victim, for example the parent of a minor victim. The IAU required the victim to file the complaint.
2. Our need to designate a *primary victim* required CRA staff to go back one stage, to primary paper files, to get that information.
3. The CRA allows the complainant to designate a *primary allegation*, the allegation that most bothered that person. While this approach is probably better than having an outside evaluator prioritize allegations after the fact, we had no way of retrospectively obtaining comparable information about the IAU cases. The primary allegation was discarded in favor of a prioritized allegation.

In attempting to use comparable time periods, this study requested data for the first two years of operation of the Civilian Review Authority. The two years extended from the beginning of CRA in 1991 to April 15, 1993. The first year of operation the CRA opened 209 cases and in the second year, 128. By early July 1993, 99 percent of the first year cases had been decided, but 23 percent of the second year cases were still in-process. It typically takes nearly four months to complete an investigation and over nine months to complete an evidentiary hearing from the time a complaint is first filed. This report necessarily disregards the outcomes of the 32 pending cases, except to assume that their outcomes will be similar to cases already decided.

### Number of Cases Handled

With the exception of a first year backlog, it seems that the annual number of cases handled by the Civilian Review Authority is roughly comparable with the number handled by the Internal Affairs Unit: slightly over 100 cases per year. Two caveats must be made to this statement. First, the intake procedures of the two organizations are quite different, so making exact comparisons is impossible. Second, the 209 cases handled by the CRA in its first year of operation must be seen as an anomaly. The actual number of cases handled is presented in Table 1.

Table 1. Annual Number of Cases Handled by IAU and CRA

	Internal Affairs Unit			Civilian Review Authority <sup>2</sup>		
	1989	1990	Total	Year 1	Year 2	Total
Number of Cases	108	101	209	209	128	337
-resolved	108	101	209	207	98	305
-pending	0	0	0	2	30	32

<sup>2</sup>The Civilian Review Authority opened for business on April 15, 1991. Years 1 and 2 are measured from that date.

One would expect the number cases handled by the CRA to be somewhat higher because of their intake procedure. In general, most complaints are accepted. At the Internal Affairs Unit more cases were screened, but we have no records to tell us how many people were discouraged by their initial conversation and never signed a formal complaint. From talking with former heads of the Internal Affairs Unit and from the observations of our graduate research assistant it seems like the number was relatively small, but perhaps enough to explain the difference between the 100+ cases handled annually by the IAU and the 128 handled in the second year of CRA operation. In fact, about 22 percent of the CRA cases were dismissed, a figure that would reduce the Year 2 figure to more nearly 100 complaints.

The best explanation of the 209 cases received by the CRA in its first year of operation is that it was handling a backlog of cases. The Internal Affairs Unit operated throughout 1990, but was losing staff and less able to cope with incoming cases. Finally it stopped taking new cases altogether. But the CRA did not start taking cases until April 15, 1991. So much of the doubling of caseload in the first year of operation was taking care of the diverted work of the IAU plus the 3.5 months of early 1991 when no one was taking cases. Additionally, it must be assumed that some citizens were holding back on their complaints awaiting the new Civilian Review Authority and its promises of a more open and friendly environment to accept complaints against the police department.

#### Minorities in the Process

Under both the IAU and the CRA, minorities have played a relatively prominent role and have enjoyed extraordinary success at having their cases sustained. While minorities make up only one-quarter of the city's population, they have accounted for half of the complaints received by the both the IAU and the CRA. In fact, the prominence of minorities filing complaints has grown by ten percentage points since the switch to the CRA. Probably this growth can be attributed to switching the oversight from one run by police and operating in city hall to a more attractive setting: the CRA offices were deliberately chosen to be quite distant from City Hall and from people in uniforms. The actual number of minority cases is presented in Table 2. The percentages listed in this table exclude from the base those cases where the race of the complainant was not known: one case in each 1989 and 1990 and eight cases in Year 2.

Table 2. Minority Complainants<sup>3</sup>

	Minority Cases	Percent of All Cases
Internal Affairs Unit		
1989	48	45%
1990	52	52%
Total	99	48%
Civilian Review Authority		
Year 1	119	57%
Year 2	72	60%
Total	191	58%

This over-representation of people of color is not necessarily a good sign and may serve as a sign of a continuing and growing contention between the minority community and the police

<sup>3</sup>At the IAU only the "victim" was allowed to sign the complaint, the person who was allegedly wronged. At the CRA another person (a non-victim) might be allowed to sign the complaint. For the sake of simplicity, Table 2 uses the word complainant to mean alleged victim. In a few cases the race of the complainant is not known; for that reason the totals given here will not match other tables in this report.

department. The good news is that minorities do not seem reticent about taking their complaints to the proper authorities. The real question for the police department is whether those complaints are ultimately sustained at rates equal to complaints filed by whites. On average, in fact, minorities have done better at having their complaints sustained. On the evidence, neither the Internal Affairs Unit nor the Civilian Review Authority have discriminated against people of color.

The success of minority complaints varied over time at the Internal Affairs Unit (as indicated in Table 3). In the two years studied, whites had more success than minorities with their complaints one year and the situation reversed the second year. But overall, for the two years, minorities did half again as well in getting their cases sustained.

Table 3. Complaints Sustained by IAU

	Number of Complaints	Number Sustained	Percent Sustained
Minority Complainants			
1989	48	13	27%
1990	51	7	14%
Total	99	20	20%
White Complainants			
1989	59	6	10%
1990	48	9	19%
Total	107	15	14%

While it is possible to prepare a similar table for the Civilian Review Authority, it is probably more instructive to see how minorities fare at each step in the CRA process. That process has two steps. First, following a formal investigation, the Executive Director of the CRA decides whether or not there is probable cause to proceed with the case. In this phase, minorities have fared better than whites in each of the two years (as shown in Table 4). It should be noted that 23 cases are still pending; all but one in the second year and all but three involving minorities. There is no reason to suspect that the outcomes of those cases would change the results presented in Table 4.

Table 4. CRA Executive Director's Findings of Probable Cause

	Number of Complaints	Number with Probable Cause	Percent with Probable Cause
Minority Complainants			
Year 1	118	23	19%
Year 2	53	8	15%
Total	171	31	18%
White Complainants			
Year 1	90	12	13%
Year 2	45	5	11%
Total	135	17	13%

In the next phase the case goes to a hearing panel of the Civilian Review Authority. Evidence is presented and the two sides each tell their story. The panel then decides, based on the evidence, whether or not to sustain the complaint.<sup>4</sup> In this phase, too, minorities have done better than whites in both years (as shown in Table 5). Nine additional cases are pending as of early July 1993, one for a Year 1 minority complainant, three for Year 2 white

<sup>4</sup>There are actually many different ways the panel can decide to not sustain the case including: dismissal, total exoneration, and deciding that there is insufficient evidence. For the purposes of this study, it is necessary only to distinguish between sustained and unsustained cases.

complainants, and five for Year 2 minority complainants. At this point in time, when the eight second year pending cases outnumber the six resolved cases, conclusions about the second year are tentative at best, but they seem to be following the patterns shown in Table 4 and in the first year.

Table 5. CRA Hearing Panel Findings

	Number of Complaints	Number Sustained	Percent Sustained
Minority Complainants			
Year 1	22	8	36%
Year 2	3	1	33%
Total	25	9	36%
White Complainants			
Year 1	12	3	25%
Year 2	2	0	0%
Total	14	3	21%

#### Significant Drop in Number of Cases Sustained

The number of cases sustained by the Civilian Review Authority is much lower than the number sustained by the Internal Affairs Unit. The absolute number of cases sustained has dropped despite the much higher number of complaints received and, of course, the percent sustained is down even more. These significant decreases hold even after adjusting for the number of cases pending. Table 6 indicates the number of cases sustained by each group each year.

Table 6. Number of Cases Sustained

	Internal Affairs Unit		Civilian Review Authority	
	1989	1990	Year 1	Year 2
Number Sustained	19	17	11	2
-percent	18%	17%	5%	2%
Adjusted Number	19	17	11.4	5.7
-percent	18%	17%	5%	4%

The adjusted number is an estimate of the number of cases which will be sustained after the pending cases have been resolved. The adjusted number was calculated in two ways, always using phase specific survival rates of the completed cases to disburse the pending cases. In one model year-specific rates were used for executive director decisions and hearing panel decisions. In the other model two-year average rates were used, but separate survival rates were used for whites and minorities. The results of the two models are very similar, differing by only 0.1 case, indicating that these estimates are relatively robust. The higher result is given.

It is possible that the particular methodology of this study has distorted the relative level of sustained cases handled by the Civilian Review Authority, but there is little evidence to support this. Switching from a focus on prioritized complaints does not greatly increase the number of cases sustained. Only twelve victims had *any* complaint sustained as of a May 14, 1993 analysis by the CRA staff, although many cases were still open. Mediation is another possible way the CRA provides for citizens to reach satisfactory closure, but only seven people went through a successful mediation (May 22, 1993 analysis by CRA staff). Adding seven to the number of cases sustained would still leave the number of "successful" citizen complaints well below the levels awarded by the Internal Affairs Unit.

## Conclusions and Discussion

By the nature of this study, the Civilian Review Authority is evaluated in comparison to the Internal Affairs Unit and the cases handled by each. Based on that comparison, this evaluation makes three conclusions:

1. The number cases handed by the Civilian Review Authority is not significantly increased over IAU. There was an initial backlog of cases, but numbers have now returned to previous levels. This conclusion assumes that the slightly higher number of cases showing for CRA is a result of more limited screening on intake than was the case at IAU.
2. Minorities are treated well by the CRA. For whatever reason, significantly more minorities are filing complaints than they did with IAU. And minorities consistently are more successful with their complaints than whites under CRA. At the Internal Affairs Unit, minorities also fared better than whites on average, but the record was less consistent.
3. The annual number of cases sustained by the Civilian Review Authority is significantly lower than what was sustained by the Internal Affairs Unit.

The last conclusion, in particular, warrants exploration, but that effort is beyond the scope of this study. A number of possible explanations have been presented to this author and are listed here to generate further discussion.

- Police are better behaved now. There are two potential sources of the behavior. First is the CRA itself and the fear of being held to a higher level of accountability. The other potential source is the new Police Chief, John Laux, and his administration, who have made it clear that they will not tolerate misconduct.
- The Internal Affairs Unit consisted of police officers who knew the "bad apples." When a complaint was filed against a bad officer, the IAU was quick to use that case to discipline such officers. The CRA is operating with no information about the officer's personality or work history.
- The lengthy process of the CRA has discouraged complainants and witnesses causing potentially good cases to be dropped for lack of testimony. Indeed, the average case takes over nine months from original filing until the evidentiary hearing.
- While these numbers are correct, they do not adequately indicate the current situation at the CRA. A new executive director was hired in February 1993 and she appears to be both making better decisions about probable cause and having better success sustaining cases at the evidentiary hearings. Also the hearing panels and the staff are becoming more familiar with the other players and the emerging system.

Which, if any, of these explanations is true is left for others to debate. It is hoped that the board of the Civilian Review Authority will take part in that discussion and that it will attempt to remove any barriers that might cause valid complaints not to be heard and sustained.